

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CALEB GUTTING,

Plaintiff,

v.

SEA CON LLC,

Defendants.

Case No. C20-381 RSL-TLF

ORDER GRANTING LEAVE TO  
AMEND COMPLAINT

Plaintiff's original complaint was filed on March 10, 2020. Dkt. 1. The Court issued a Scheduling Order on July 9, 2020 requiring the parties to seek to leave to amend by July 3, 2020. Dkt. 13. On July 17, 2020, following the parties' first exchange of responses to discovery, plaintiff filed this motion to amend his complaint. Dkt. 14. Defendants are not opposed to plaintiff's motion to amend. Dkt. 15.

Under Fed. R. Civ. P. 15(a), after 21 days from the date when the initial complaint was served, "a party may amend [its] pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires." Deciding whether to grant leave to amend, the Supreme Court has offered the following guidance:

In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be "freely given."

1        *Foman v. Davis*, 371 U.S. 178, 182 (1962). Of these factors, consideration of  
2 prejudice to the opposing party carries the greatest weight. *Eminence Capital, LLC v.*  
3 *Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003).

4        Accordingly, the Court GRANTS plaintiff's motion to amend. The Clerk is directed  
5 to docket the proposed amended complaint (see Dkt. 14-1) and defendants shall file a  
6 response to the amended complaint within **fourteen (14) days**.

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8        Dated this 10th day of August, 2020.

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12        Theresa L. Fricke  
13        United States Magistrate Judge  
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